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Attorneys for Respondents

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

A&B IRRIGATION DISTRICT, AMERICAN FALLS)
RESERVOIR DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION DISTRICT,)
MINIDOKA IRRIGATION DISTRICT, NORTH SIDE)
CANAL COMPANY, and TWIN FALLS CANAL)
COMPANY,)

UNITED STATES OF AMERICA, BUREAU OF)
RECLAMATION,)

Petitioners,)

vs.)

DAVID R. TUTHILL, JR., in his capacity as Director)
of the Idaho Department of Water Resources, and THE)
IDAHO DEPARTMENT OF WATER RESOURCES,)

IDAHO GROUND WATER APPROPRIATORS, INC.,)
CITY OF POCA TELLO; and IDAHO DAIRYMEN'S)
ASSOCIATION, INC.,)

Respondents.)

IN THE MATTER OF DISTRIBUTION OF WATER)
TO VARIOUS WATER RIGHTS HELD BY OR FOR)

Case No. CV-2008-0000551

**MOTION FOR EXTENSION
OF TIME TO LODGE
TRANSCRIPT AND RECORD
WITH THE COURT**

THE BENEFIT OF A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR DISTRICT #2,)
BURLEY IRRIGATION DISTRICT, MILNER)
IRRIGATION DISTRICT, MINIDOKA IRRIGATION)
DISTRICT, NORTH SIDE CANAL COMPANY,)
AND TWIN FALLS CANAL COMPANY)
_____)

COME NOW respondents, David R. Tuthill, Jr., in his capacity as Director of the Idaho Department of Water Resources, and the Idaho Department of Water Resources (“IDWR”), by and through their undersigned attorney of record, and move the Court pursuant to I.A.R. 46 and I.R.C.P. 84(f)(5) and 84(j) and (k) for an extension of time to settle the agency record and lodge the record and transcript with the Court. Pursuant to I.R.C.P. 84(o), argument is not requested.

This motion is based upon the following:

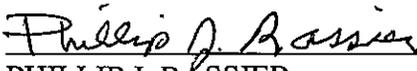
1. Pursuant to the Court’s *Amended Scheduling Order*, the settled agency transcript and record were due to be lodged with the Court by January 23, 2009.
2. The agency record was lodged with IDWR on January 7, 2009 for purposes of settlement, and pursuant to Rule 84(j) the parties had fourteen (14) days or until January 21 to file their objections to the record. Numerous objections to the record were filed and IDWR requires additional time to make the necessary corrections to the record.
3. Based upon the foregoing, IDWR reasonably expects that it will be able to lodge the settled agency transcript and record with the Court on or before February 6, 2009.

Accordingly, respondents request an order from the Court extending the time for lodging the agency transcript and record with the Court by fourteen (14) days from January 23 to February 6, 2009.

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DATED this 23rd day of January, 2009.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
CHIEF, NATURAL RESOURCES DIVISION



PHILLIP J. RASSIER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

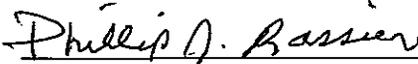
I HEREBY CERTIFY that I am a duly licensed attorney in the state of Idaho, employed by the Attorney General of the state of Idaho and residing in Boise, Idaho; and that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on this 22nd day of January, 2009.

Document Served: **NOTICE OF LODGING OF TRANSCRIPT AND RECORD WITH AGENCY**

Deputy Clerk Gooding County District Court 624 Main St. P.O. Box 27 Gooding, ID 83330 Facsimile: (208) 934-5085	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Email
Judge Melanson (courtesy copy) SRBA District Court 253 3rd Ave. N. P.O. Box 2707 Twin Falls, Idaho 83303-2707 Facsimile: (208) 736-2121	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Email
Tom Arkoosh CAPITOL LAW GROUP, PLLC P.O. Box 2598 Boise, ID 83701-2598 (208) 424-8873 tarkoosh@capitollawgroup.net	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
John A. Rosholt John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, LLP P.O. Box 485 Twin Falls, ID 83303-0485 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

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<p>James Tucker IDAHO POWER CO 1221 W. Idaho St. Boise, ID 83702 jamestucker@idahopower.com</p>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>James Lochhead Adam Devoe BROWNSTEIN HYATT 410 17TH ST 22ND Floor Denver, CO 80202 jlochhead@bhf-law.com adevoe@bhf-law.com</p>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email



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